

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Eliezer Rivera,

Plaintiff,

-against-

Yanier Gonzalez-Espinoza and M & C Freight,  
LLC,

Defendants.

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DATE FILED: 7/7/2021

1:20-cv-09131 (LAK) (SDA)

ORDER

**STEWART D. AARON, United States Magistrate Judge:**

Following a telephone conference with the parties, it is hereby Ordered as follows:

1. To meet their burden to establish the existence of subject matter jurisdiction based on diversity of citizenship,<sup>1</sup> no later than Wednesday, July 14, 2021, Defendants shall file a letter setting forth the citizenship of each individual member of Defendant M & C Freight, LLC. *See Bayerische Landesbank, New York Branch v. Aladdin Capital Mgmt. LLC*, 692 F.3d 42, 49 (2d Cir. 2012) (limited liability company “takes the citizenship of its members”) (citing *Handelsman v. Bedford Village Assoc. Ltd. P’ship*, 213 F.3d 48, 51 (2d Cir. 2000)); *see also Phoenix Energy Mgmt., Inc. v. Maverick Engineered Prod. LLC*, No. 21-CV-00320 (CBA) (RM), 2021 WL 738708, at \*1 (E.D.N.Y. Feb. 10, 2021)

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<sup>1</sup> *See Conyers v. Rossides*, 558 F.3d 137, 143 (2d Cir. 2009) (party invoking federal jurisdiction bears burden of establishing that jurisdiction exists); see also 28 U.S.C. § 1447(c) (“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”). A federal court has “original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different States.” 28 U.S.C. § 1332(a)(1). “The Supreme Court has interpreted ‘citizens of different States’ to grant jurisdiction only ‘if diversity of citizenship among the parties is complete, *i.e.*, only if there is no plaintiff and no defendant who are citizens of the same State.’” *Platinum-Montaur Life Scis., LLC v. Navidea Biopharmaceuticals, Inc.*, 943 F.3d 613, 617 (2d Cir. 2019) (quoting *Wis. Dep’t of Corr. v. Schacht*, 524 U.S. 381, 388 (1998)).

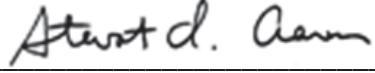
(Notice of Removal must address citizenship of each individual member of LLC), *report and recommendation adopted*, 2021 WL 736421 (E.D.N.Y. Feb. 25, 2021) (citing cases).

2. The parties shall file a joint letter regarding the status of discovery on October 6, 2021.
3. The deadline for any amendments to the pleadings is November 30, 2021.
4. The deadline for the completion of fact discovery is January 7, 2022.
5. The deadline for Plaintiff to produce expert reports is February 11, 2022.
6. The deadline for Defendants to produce expert reports is March 11, 2022.
7. The deadline for the completion of expert discovery is April 11, 2022.

Extensions of these deadlines shall be granted for good cause shown.

**SO ORDERED.**

DATED:        New York, New York  
                  July 7, 2021

  
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STEWART D. AARON  
United States Magistrate Judge